

11-06-03

Priority Date: 34580.001CC

PATENT

AF

S. 3682

Priority Date: 34580.001CC

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 04 2003

In re application of: Paul Swift

Application No.: 09 /975,417

Group No.: 9594

Filed: 10/10/2001

Examiner: Vinh Luong

For: BICYCLE PEDAL THAT CAN FIT A MULTIPLICITY OF SHOE CLEATS

Assistant Commissioner for Patents  
Washington, D.C. 20231NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).

Applicant hereby appeals to the Board from the decision of the Primary Examiner,  
mailed 08/05/2003, finally rejecting claims 5-8

The item(s) checked below are appropriate:

## 1. STATUS OF APPLICANT

This application is on behalf of

other than a small entity.  
 a small entity.  
 A statement  
 is attached.  
 was already filed on 10/10/2001

RECEIVED  
NOV 12 2003  
GROUP 3600

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.10)

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Express Mail No. EV 312729191 US

Date: November 4, 2003

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

## Signature

Thomas I. Rozsa

(type or print name of person certifying)

(Notice of Appeal from the Primary Examiner to Board [9-6]—page 1 of 3)

11/07/2003 RHARIS1 00000111 09975417

01 FC:2401

165.00 OP

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/> small entity	\$ 165.00
<input type="checkbox"/> other than a small entity	\$ 320.00
Notice of Appeal fee due	\$ <u>165.00</u>

## 3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. § 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). (But see 37 C.F.R. § 1.645 for extension of time in interference proceedings and 37 C.F.R. § 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 165.00

Extension fee (if any) \$ \_\_\_\_\_

TOTAL FEE DUE \$ 165.00

## 5. FEE PAYMENT

Attached is a check in the sum of \$ 165.00.

Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

## 6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

If any additional extension and/or fee is required,

charge Account No. 18-2222

AND/OR

If any additional fee for claims is required,

charge Account No. 18-2222

Thomas I. Rozsa 11/14/03

SIGNATURE OF PRACTITIONER

Reg. No.: 29,210

Thomas I. Rozsa, Esq.

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